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THURGOOD MARSHALL: 1908-1993

Marshall's friends and colleagues mourn passing of larger-than-life jurist

New York Times News Service

Those who worked closely with Justice Thurgood Marshall — his law clerks, colleagues on the bench and fellow lawyers — remember him as a larger-than-life presence who left a lasting imprint on the nation, as well as on their personal lives and careers.

"He wouldn't use the term," said Jack Greenberg, the dean of Columbia College, who in 1961 succeeded Mr. Marshall as director-counsel of the NAACP Legal Defense and Educational Fund, "but he had a *jote de vivre*, an exuberance, an aggressiveness about things he attacked, cases that he worked on, issues that he addressed."

In the hours after his death yesterday afternoon, many admirers and former colleagues said they would have difficulty isolating Justice Marshall's most significant contribution to American society, because those contributions seemed endless.

James O. Freedman, who from 1962 to 1963 worked as a clerk for Justice Marshall when he was a U.S. appeals court judge, agreed with many that his former boss' crowning achievement was his successful litigation in 1954 of Brown vs. Board of Education, in which the Supreme Court declared that the doctrine of "separate but equal" in regard to racial segregation in public schools no longer had a place in America.

"He allied himself with an idea whose time had come," said Mr. Freedman, now the president of Dartmouth College. "He is probably the only person ever to have been appointed to the Supreme Court who would have had a place in American history before his appointment."

Sherman A. Parks Jr., 42, a Topeka, Kan., lawyer, said the Brown decision, and Justice Marshall's role in it, changed the course of his life.

"The Brown case gave me an opportunity I wouldn't have had otherwise," said Mr. Parks, who, after the Brown case was decided, was per-

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RICHARD KLUGER
Author of 'Simple Justice'

mitted to attend kindergarten at the elementary school involved in the case. "I mean, I'm a black male and now I'm an attorney and the president of the school board that spawned the Brown case."

The Rev. Jesse Jackson echoed Mr. Parks' reflections, saying, "For most of us who grew up under segregation, we have never known a day without Thurgood Marshall hovering over us to protect us."

Barbara Underwood, a senior ex-

ecutive district attorney in Queens, who clerked for Justice Marshall at the Supreme Court in the early 1970s, said she hoped history would capture the breadth of his career.

"As a lawyer, as a litigator at the NAACP, as solicitor general and as a judge, he brought his life and his insights to bear on all manner of issues," she said.

Mr. Greenberg said Justice Marshall helped transform the nation "from a society of apartheid to one in

which black people, still under constraints they suffer, nevertheless have an equal chance."

Justice Marshall's former colleagues on the Supreme Court spoke of him in reverential tones that seemed to transcend ideological boundaries.

"We've lost a true American hero," said Justice Sandra Day O'Connor. "I'm thinking of how privileged I feel to have known him and worked with him."

Justice Antonin Scalia said Justice Marshall was one of the few people in American public life who would be forever identified with the ideas that he championed.

"Thurgood Marshall symbolized the end of official racism in the United States," Justice Scalia said. "Despite that well-earned prominence, he was an unassuming, unaffected, straight-forward man — a good and reliable friend."

The man who replaced Justice Marshall on the court, Justice Clarence Thomas, said, "He was a great

lawyer, a great jurist and a great man, and the country is better for his having lived."

Justice Marshall's passing drew an immediate reaction from the White House.

"He was a giant in the quest for human rights and equal opportunity in the whole history of our country," President Clinton said in a statement. "Every American should be grateful for the contributions he made as an advocate and as a justice."

Richard Kluger, whose 1975 book, "Simple Justice," chronicled the Brown case, said Mr. Marshall's role in American social history would be difficult to overstate.

"Without him, the whole civil rights movement and the legal enfranchisement of blacks might not have happened when it did," Mr. Kluger said. "It might have taken a number of years. That was the man's monument. He worked hard for it."



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Thurgood Marshall poses with other justices. Seated, from left, are Harry Blackmun, Byron White, Chief Justice William Rehnquist, Mr.

Marshall and John Paul Stevens. Standing are Anthony Kennedy, Sandra Day O'Connor, Antonin Scalia and David Souter.